

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,)	Civ. No. 07-00172 SOM/LEK
)	
Plaintiff,)	
)	ORDER REGARDING DEFENDANTS'
vs.)	MOTION TO DISMISS AND
)	PLAINTIFF'S COUNTER-MOTION
DEUTSCHE BANK TRUST COMPANY)	FOR PARTIAL SUMMARY JUDGMENT
AMERICAS (FKA BANKERS TRUST)	
COMPANY) AND JP MORGAN CHASE)	
BANK IN THEIR SEPARATE)	
CAPACITIES AND AS AGENTS FOR)	
THE PRE AND POST-PETITION)	
LENDERS OF FLEMING COMPANIES,)	
INC.; DOES 1 TO 200,)	
)	
Defendants.)	
_____)	

ORDER REGARDING DEFENDANTS' MOTION TO DISMISS AND
PLAINTIFF'S COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT

To assist the court in ruling on Defendants' motion to dismiss and Plaintiff's counter-motion for partial summary judgment, each party is directed to:

1. Provide the court with a chronology (in chart format, no word limit) of the proceedings that occurred in In re Fleming Companies, Inc., et al., Case No. 03-10945 (MFW), in the United States Bankruptcy Court for the District of Delaware;

2. Discuss in no more than 1,000 words whether Plaintiff's prayed-for recovery on the infringement claims in this case will duplicate damages Plaintiff has already received in prior cases; and

3. Submit court documents (attested to by counsel) showing whether any court has or has not previously found direct

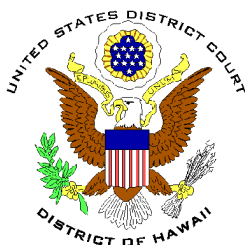
infringement for the time period covered in this case--i.e.,
January 2000 through June 9, 2003.

The parties shall file their supplemental papers no
later than 10:00 a.m. on Thursday, July 19, 2007.

The court notifies the parties that certain scheduling
complications may prevent the court from issuing a prehearing
inclination.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, July 17, 2007.



Susan Oki Mollway

Susan Oki Mollway
United States District Judge

Wayne Berry v. Deutsche Bank Trust Company Americas, et. al., Civ. No.
07-00172 SOM/LEK; ORDER REGARDING DEFENDANTS' MOTION TO DISMISS AND
PLAINTIFF'S COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT.